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Summary record of the first part (public)* of the 1675th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 7 August 2018, at 3 p.m.

Chair: Mr. Modvig

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1675/Add.1.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Report on follow-up to concluding observations (*continued*)

1. **Mr. Hani** (Rapporteur for follow-up to concluding observations), welcoming the civil society representatives present at the meeting, said that all except two States parties, Pakistan and the Republic of Korea, had complied with their reporting obligations and submitted their follow-up reports by May 2018. Pakistan had indicated that it would submit its report shortly. Reports were currently overdue from Burkina Faso, Cabo Verde, the Congo, Guinea, Iraq, Kyrgyzstan, Mozambique, Namibia, Philippines, Sierra Leone and Sri Lanka. Reminder letters had been sent to all those States. The assessments of follow-up to concluding observations had been taken into account in preparing lists of issues prior to reporting, where relevant. Civil society participation in follow-up reporting had increased somewhat but overall remained low, as did the rate of participation by national human rights institutions and national preventive mechanisms.

2. The quality of the information provided had been assessed in accordance with the Committee's Guidelines for follow-up to concluding observations (CAT/C/55/3). No reports had been found to be fully satisfactory; 70 per cent of States parties had provided information that was thorough and extensive, but failed to respond fully to the recommendations; and 11 per cent of States parties had provided information that was vague and incomplete. Concerning the assessment of implementation of the Committee's recommendations, no States parties had received an A rating (the recommendation had largely been implemented); 27 per cent of States parties had received a B1 rating (the recommendation had been partially implemented); 18 per cent of States parties had received a B2 rating (the recommendation had been partially implemented); and 47 per cent of States parties had received a C rating (the recommendation had not been implemented). In some cases the information provided had been insufficient to assess implementation. Only one State party had submitted a plan for the implementation of all or some of the remaining recommendations.

3. One of the challenges encountered had been the lack of alternative reports from stakeholders other than the Government. Another had been the need for some reports to be translated, which had led to delays in the assessment. One State party had submitted a PDF file, which had further delayed the translation and assessment processes. Follow-up letters were being finalized and would be sent to the respective States parties and posted on the Committee's website. The Committee's guidelines for follow-up to concluding observations were also available on the website to assist all stakeholders in participating in the follow-up process. He called on States parties with overdue reports to submit them as soon as possible and urged all States parties to develop a voluntary plan for the implementation of the Committee's recommendations. He invited civil society organizations, human rights institutions and national preventive mechanisms to communicate their observations on States parties' follow-up reports.

4. **The Chair** asked which types of recommendations were being implemented and which were being largely neglected.

5. **Mr. Hani** said that there had been no information on action taken in response to recommendations on incommunicado detention and enforced disappearances. Vague and incomplete information had been received in relation to recommendations on arbitrary detention, national human rights institutions and fundamental legal safeguards. Some information had been sent to the Committee regarding detention conditions and measures taken to address prison overcrowding. Information concerning migrant workers had also been communicated. Substantive information had been received from several States parties relating to national preventive mechanisms and measures taken to ensure their independence and enable them to carry out their functions. The information received indicated that the implementation of recommendations on excessive use of force and police violence had varied, with improvements noted in some States parties but not in others. It was worth noting that the Committee endeavoured to be pragmatic and realistic in the

selection of recommendations for follow-up within a year; it might consider other recommendations more important, but they were not selected for follow-up because they called for legislative measures and therefore required a longer time frame to be given effect.

6. **Ms. Gaer** said that she would like details on follow-up to recommendations concerning investigations and prosecutions. She wondered whether there were discrepancies between the ratings that States received for submitting information on follow-up and those they received for implementing recommendations.

7. **Mr. Hani** said that some States parties had a high rate of compliance with recommendations on investigations and prosecutions. Often, however, only vague and incomplete information was supplied in relation to recommendations concerning cases involving human rights defenders, especially where the Committee had requested information on specific individuals. Sometimes the information submitted was extensive and thorough, but it did not indicate that any action had been taken to implement the recommendations. In general, however, the quality of the information provided was usually on a par with the level of implementation.

Consideration of communications submitted under article 22 of the Convention (*continued*)

Report on follow-up to communications (*continued*) (CAT/C/64/3)

8. **Mr. Heller Rouassant** (Rapporteur for follow-up to communications), introducing the report on information received from States parties and complainants in various cases, said that in *Boily v. Canada* (communication No. 327/2007) the Committee had decided to hold a meeting in the near future with a representative of the Permanent Mission of Canada to assess the measures taken to implement the Committee's recommendation. In *Aarrass v. Morocco* (communication No. 477/2011), as no updated information had been received on the implementation of the Committee's decision, the Committee had decided to continue the dialogue with the State party and send a letter requesting information on the implementation of the decision. With regard to *Ramírez et al. v. Mexico* (communication No. 500/2012), in view of the lack of updated information from national authorities, the Committee had decided to send a reminder letter and request a meeting with a representative of the Permanent Mission of Mexico. Further steps would be considered in the light of the State party's reply.

9. Regarding *L.A. v. Algeria* (communication No. 531/2012), the complainant's allegations that the State party had disregarded the Committee's recommendations had been forwarded to the State party in July 2018 and a reply requested by 27 August 2018. The Committee had decided that the dialogue should remain ongoing and that further steps would be considered in the light of the State party's reply. With reference to *Ennaâma Asfari v. Morocco* (communication No. 606/2014), a lengthy exchange of information had taken place with the complainant, who alleged that new violations had occurred, namely reprisals against the complainant and his family. The State party's observations had been transmitted the previous day to the complainant's counsel, who had been requested to reply within one month. The Committee had decided to continue the dialogue with the State party on the follow-up to the decision taken by the Committee in the case.

10. Regarding *M.K.M v. Australia* (communication No. 681/2015), the Committee had requested a meeting with a representative of the Permanent Mission of Australia to discuss measures for the implementation of the Committee's decision. A meeting had been scheduled for 9 August 2018. Concerning *Alhaj Ali v. Morocco* (communication No. 682/2015), the State party had informed the Committee that on 6 June 2018 the complainant had been released from detention following a court ruling annulling an earlier decision to extradite the complainant to Saudi Arabia. The Committee had therefore decided to close the follow-up dialogue, with a note of satisfactory resolution.

11. **The Chair** said he took it that the Committee wished to adopt the report on follow-up to communications.

12. *It was so decided.*

Report on follow-up to reprisals (*continued*)

13. **Ms. Racu** (Rapporteur on reprisals) said that between the sixty-third and sixty-fourth sessions there had been no new complaints regarding reprisals, except in relation to *Ennaâma Asfari v. Morocco* (communication No. 606/2014), to which Mr. Heller Rouassant had alluded. It was hoped that a meeting with a representative of the Permanent Mission of Morocco could be held during the Committee's sixty-fifth session to discuss that case. There had been no new allegations of reprisals eligible for consideration under article 20, with the exception of one case concerning five human rights defenders from Mauritania who had been prevented from taking part in the consideration of the periodic report of that State party during the current session. The defenders had reportedly been arrested at the airport in Mauritania. The Committee had addressed that issue in its concluding observations on the State party report and had requested it to refrain from creating barriers to human rights defenders' activities.

14. **The Chair** thanked the rapporteurs for their reports.

The public part of the meeting rose at 3.30 p.m.